IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Tr.P(C).No. 116 of 2007()

OP.23/2005 of FAMILY COURT, KOTTAYAM
.....

PETITIONER

VARGHESE JOSEPH, AGED 45 YEARS,
S/O JOSEPH, KOCHUKANNITTARYIL HOUSE,
PERUNNAI EAST KARA, CHANGANACHERRY VILLAGE,
CHANGANACHERRY TALUK.

BY ADV. SRI.T.M.RAMAN KARTHA

RESPONDENT:

MARY GEORGE @ RAJAMMA,
D/O K.G.GEORGE, KURISUPARAMBIL HOUSE,
MUNDAMVELI P.O., KAZHUTHUMUTTU, KOCHI-5.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. 1239 OF 2007
IN
Tr.P.C. NO.116 OF 2007

DISMISSED

1/6/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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Tr.P.C. NO. 116 OF 2007

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Dated this the 1st day of June, 2007.

J U D G M E N T

This transfer petition is filed to withdraw O.P.23/05 from the file of Family Court, Kottayam at Ettumanoor and to transfer the same for joint trial and disposal along with Ext.P3, P4 and P5 petitions. The transfer petitioner is the husband. The husband moved a petition for divorce before the Family Court, Kottayam at Ettumanoor and it was originally decreed exparte by Ext.P2 and subsequently set aside by Ext.P6 and therefore the said petition for divorce is now pending alive in the Family Court, Kottayam at Ettumanoor.

2. The wife had filed O.P. 273 and 274/05 before the Family Court, Ernakulam for restitution of conjugal rights and return of gold ornaments respectively. She had also filed maintenance case 57/05 before the Family Court, Ernakulam. Thus the petition for restitution of conjugal rights, return of gold ornaments and maintenance filed by the wife is pending before the Family Court, Ernakulam and she is residing also in Ernakulam

District. Other cases filed by the husband which was originally decreed exparte which had been set aside is now pending before the Family Court, Ettumanoor. Therefore, the husband seeks that a joint trial of the cases is necessary for the proper disposal of the matter.

3. Certainly, when there is a petition for divorce and another petition for restitution of conjugal rights, both of them may have to be tried together and since the entire cases involve matrimonial dispute, the Family Court may have to try them jointly depending upon the facts and circumstances of each case. At any rate, it is only just and proper that the very same Family Court tries all the cases. Therefore, O.S.23/05 pending before the Family Court, Kottayam at Ettumanoor is transferred to Family Court, Ernakulam. The question whether this case has to be jointly tried along with O.P. 273/05, 274/05 and M.C. 57/05 pending before the Family Court, Ernakulam or to be adjudicated independently can be decided by the Family Court, Ernakulam. The Family Court, Kottayam at Ettumanoor is to give notice to both sides before effecting transfer.

The Tr.P.C. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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